

FILED  
JAMES BONINI  
CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT CINCINNATI

2003 DEC -2 PM 3:37

U.S. DISTRICT COURT  
SOUTHERN DIST OHIO  
WEST DIV CINCINNATI

UNITED STATES OF AMERICA,

:

Criminal No.

Plaintiff,

:

1:03 CR 00141

v.

:

PLEA AGREEMENT

DANIEL JEREMY BAAS,

:

Defendant.

:

DLOTT

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It is hereby agreed between the United States Attorney for the Southern District of Ohio and defendant Daniel Jeremy Baas, by and through undersigned counsel, that:

1. Defendant Daniel Jeremy Baas will plead guilty to the one-count Information charging him with exceeding authorized access to a protected computer and obtaining information, in violation of 18 U.S.C. § 1030(a)(2) and (c)(2)(B)(iii). This offense carries a maximum penalty of five years in prison, a fine of \$250,000 or twice the amount of gain or loss (18 U.S.C. § 3571(b)(3) and

(d)), three years of supervised release, restitution (18 U.S.C. § 3663A), and a \$100 mandatory special assessment (18 U.S.C. § 3013(a)(2)(A)).

2. In exchange for defendant Daniel Jeremy Baas's plea of guilty to the one-count Information, as set forth in paragraph 1 of this Plea Agreement, the United States Attorney for the Southern District of Ohio will not file any additional charges against defendant Daniel Jeremy Baas regarding his exceeding authorized access to the Acxiom FTP Server and obtaining information therefrom through January 12, 2003, about which he truthfully advises the United States Attorney. Further, the United States will not file any charges against defendant Daniel Jeremy Baas regarding any statements he made in chat rooms concerning the President of the United States through August 1, 2003, in violation of 18 U.S.C. § 871.


3. No promises have been made the defendant Daniel Jeremy Baas that he will receive probation or a lighter sentence on account of his plea of guilty to the one-count Information.

4. Defendant Daniel Jeremy Baas understands that his sentence will be imposed pursuant to the Sentencing Reform Act and the Sentencing Guidelines. The parties agree and stipulate as follows:

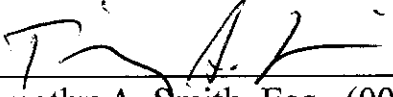
- a. Sentencing Guideline § 2B1.1 (Nov. 1, 2002) applies to this case.
- b. U.S.S.G. § 2B1.1(a) establishes a base offense level of 6.
- c. Because the loss exceeded \$2.5 million, U.S.S.G. § 2B1.1(b)(1)(J) provides for an 18-level increase to the offense level, bring the offense level to 24.
- d. Because the offense involved abuse of a position of trust, the offense level is increased by 2 levels to level 26, pursuant to U.S.S.G. § 3B1.3.
- e. Defendant Daniel Jeremy Baas has clearly demonstrated a recognition and affirmative acceptance of personal responsibility for his criminal conduct, pursuant to U.S.S.G. § 3E1.1(a), and thereby qualifies for a reduction of his offense level by 2 levels to level 24.
- f. The United States hereby moves the Court for a further reduction of his offense level by 1 level to level 23, for the reason that defendant Daniel Jeremy Baas assisted the authorities in the investigation and prosecution of his own misconduct by timely notifying authorities of his intention to enter a plea of guilty, pursuant to U.S.S.G. § 3E1.1(b).

These stipulations do not include any of the factors set forth in Chapter 4 regarding criminal history. Defendant Daniel Jeremy Baas understands that these stipulations are not binding of the Court and that he will not have the right to withdraw his plea of Guilty in the event that the Court were to reject the stipulations.

5. This written Plea Agreement embodies all of the agreements and understandings between the United States Attorney for the Southern District of Ohio and defendant Daniel Jeremy Baas. No conversations, discussions, understandings, or other documents extraneous to this Agreement shall be considered part of this Agreement.

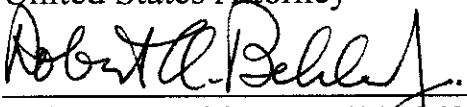
  
Daniel Jeremy Baas  
Defendant

12/1/03  
Date

  
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12-1-03  
Date

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Date